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EMINENT DOMAIN

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EMINENT DOMAIN. Senate Constitutional Amendment 18. Adds Sec. 20 to Article XI of Constitution. Declares that the state, any county, city and county or municipality may acquire, by eminent domain, title in fee simple to property in excess of that actually needed for use in an improvement, such property to be deemed acquired for a public use, and that the procedure for such acquisition and the use and sale, lease or other disposition thereof shall be prescribed by general law.

YES

NO

Senate Constitutional Amendment No. 18—A resolution proposing to the people of the State of California, an amendment to the constitution of the State of California, by adding a new section to article eleven thereof, to be designated as section twenty, of said article eleven, of the constitution of the State of California, relating to the taking of property for public use and additional adjoining or neighboring property, and for the payment therefor.

Resolved by the senate, the assembly concurring, That the legislature of the State of California, at its regular session, commencing on the eighth day of January, one thousand nine hundred seventeen, two-thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, that a new section be added to article eleven of the constitution of the State of California, to be known and designated as section twenty of article eleven of the constitution of the State of California, and to read as follows:

PROPOSED AMENDMENT.

Sec. 20. The state, any county, city and county, or municipality may acquire, by eminent domain, title in fee simple to property, in excess of that actually needed for use in an improvement. Property so acquired, in excess of that actually needed for such improvement, shall be deemed to be acquired for a public use. The procedure for such acquisition and the use and sale, lease or other disposition of property so acquired shall be prescribed by general law.

ARGUMENTS IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 18.

This proposed amendment is the result of several years of study by legislators, the California League of Municipalities, and various civic organizations. It is an enabling act, authorizing the legislature, if it deems wise, to enact or change laws to meet changing conditions, whereby municipalities in condemning for street opening, parks and other public uses can include land desirable for the municipality to own outside of the exact boundaries of the proposed district, so that objectionable structures or enterprises can be prevented and reasonable restrictions imposed on a resale by the municipality.

Thus, the beautification of odd pieces may be secured and objectionable lines of business prevented in sections where the people themselves

wish improvements, and now have no power to prevent damage by unsightly buildings and by lines of business which should be kept within industrial districts.

This amendment is in line with the best civic thought of those interested in open-air spaces for the mass of the people, in parks, playgrounds, and the absence of noise and unsightly objects from home surroundings. It will open new tracts, keep rents and prices within reason, prevent congestion, and be in harmony with all modern housing and tenement ideas and ideals.

S. C. EVANS,

State Senator Thirty-ninth District

This amendment permits the taking, upon payment of the full value, of property in excess of that to be used for a suggested improvement by the state, a county or municipality.

The object is to save money to the taxpayers, by whom the entire cost of the improvement must be paid at present.

The amendment particularly affects cities and incorporated towns, as the cost of the purchase of ground in such communities for public parks, children's playgrounds, and new streets, whose necessity could not be anticipated by those who designed the city, is very great.

Under the existing law a city desiring, for instance, to widen a street or to cut a diagonal street needed to furnish direct transportation from one important section to another, can purchase only the amount of land actually to be used in such street, and the values added to the adjoining property accrue entirely to the owners thereof, while the cost of the improvement is taxed against and paid by the whole community.

It is now proposed, when an improvement is found to be necessary for the general benefit of the community, to authorize the purchase, at the full value existing at the time of the proposed improvement, and prior to its installation, of not only the amount of land necessary for the making of such improvement, but also such additional immediately adjoining land as may be beneficially affected by such improvement and thereby increased in value. Such additional land will be sold after the improvement is made and the added price received, due to such improvement, will be applied upon the cost of the improvement.

This method will relieve the general taxpayer of very burdensome taxes.

In many instances the entire cost of the improvement may be derived from the sale of the additional land.

LESTER G. BURNETT,

State Senator Nineteenth District.

1922 Broadway, San Francisco.